

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION-MEDICAL UNIT
P. O. Box 71010
Oakland, CA 94612
(510) 286-3700 or (800) 794-6900

TO: THE INJURED WORKER

The list of Qualified Medical Evaluators (QMEs) enclosed with this letter is being sent to you because either you or your ~~employer/insurer~~ **claims administrator** requested a QME panel (list of QMEs). **If you have an attorney, contact your attorney. If you do not have an attorney, please take the following steps:**

- 1) Select a QME physician from the list within ten (10) days of the date the list was mailed by the Medical Unit (shown at the top right of the panel list).

Your claims ~~administrator adjuster (or if none, your employer)~~ should not select the QME or try to influence your decision. You may ask your treating physician for assistance. You have the right to consult with an Information and Assistance Officer at no cost to you prior to selecting a QME, by calling the number shown in your phone book or 1-800-736-7401. If you have use of a computer, on the internet, go to <http://www.dir.ca.gov/dwc/dir2.htm>. If your treating physician is listed as a QME on the panel, call the Medical Unit at 1-800-794-6900 for a replacement name. Your treating physician cannot also write a report on your case as the QME.

- 2) Call the QME's office, listed on the panel form, within ten (10) days of the date the QME list was mailed by the Medical Unit and make an appointment for an examination.

Tell the office staff for the QME that you are calling for a "QME exam". If you will need an interpreter, tell the QME's office. The staff will ask you for information that you will find on the top right side of the QME panel letter. If the QME you call is unable to schedule an appointment within sixty (60) days of the date of your call, the QME's office may not suggest another physician in that office to do the QME report. You may:

a) agree to wait as long as the QME you selected is able to schedule your appointment at least within ninety (90) days of the date of your first call for an appointment; or

~~a) select a different QME on the panel list letter; or~~

b) call the Medical Unit at 1-800-794-6900 to ask for a replacement QME; or

c) select a different QME on the panel list letter; or.

~~e) agree to wait until the QME you selected is available, even though that is more than 60 days from your call.~~

If you decide to ask for a replacement QME from the Medical Unit, ~~call~~ **tell** the claims ~~adjuster~~ **administrator** to avoid having duplicate requests for replacement QME's. ~~the claims adjuster ask for a QME panel.~~

- 3) **If the Medical Unit returns the panel request form to ask for additional information, the time limits for selecting a QME and scheduling the appointment are tolled (delayed). (See, 8 Cal. Code Regs. § 30(e), 30(h) 31.5.)**

- 4) Call the Claims ~~Adjuster~~ **Administrator** in your case within ten (10) days of the date the QME list was issued by the Medical Unit. Tell the claims **administrator** ~~adjuster~~ the time, date and location of your appointment with the QME.

- 5) Review all of the medical records and other non-medical records sent by the claims **administrator** ~~adjuster~~.

Once you have scheduled an appointment with a QME, the claims administrator adjuster (or if none, the employer) must send you, at least twenty (20) days before the information is sent to the QME, copies of all medical and non-medical records (videos, photos, interview transcripts, non medical paperwork) the administrator adjuster (or employer) plans to send to the QME in your case. If you believe some of the non-medical records or materials should not go to the QME, you must notify the claims administrator adjuster within ten (10) days that you object and the reasons for your objection.

You also must send to the claims administrator adjuster (or employer) copies of any medical records and other materials you plan to send to the QME at least 20 days before sending it to the QME, and the claims administrator adjuster/employer also may object within 10 days to non-medical records by notifying you in writing. Once you or the claims administrator adjuster/employer object, the non-medical records objected to should not be sent to the QME until or unless a Workers' Compensation Judge makes an order. You may call the Information and Assistance Officer for information about this process.

- 6) Communication with the QME before and after your examination must be in writing.

You may send the QME a letter listing the disputed medical issues you believe the evaluator should address in your claim. If you wish, or the claims administrator adjuster (or if none, the employer) wishes, to send a letter to the QME about your case before the examination, it must be written and mailed to the QME and the other party at least twenty (20) days before the exam. After the examination, a copy of any letter to the QME must be mailed to the other party the same day it is sent to the QME. If the QME contacts you, you may answer questions.

- 7) Your employer will pay for the QME exam, an interpreter if required and reasonable transportation **including ~~not~~ lodging costs, if necessary.**

There is no charge to you ~~or~~ **and no** co-payment for a QME exam **and or** interpreter fees. The claims administrator adjuster/employer will either send you a check in advance or reimburse you for any reasonable transportation costs. If you must miss work to attend the QME exam, you are entitled to temporary disability benefits for any lost wages that day.

- 8) If you **are not represented by an attorney and** do not receive a QME panel list **that was assigned** within 15 business working days after we received the request for a panel, you may choose any QME (with the proper specialty) to do your examination ~~=~~ **from the QME database which is available at <http://www.dir.ca.gov/databases/dwc/qmestartnew.asp>. The panel is assigned and mailed on the same date, which is shown as the "Date Mailed" on the top right side of the QME panel letter, QME Form 107 (See, 8 Cal. Code Regs. § 107).**

- 9) A QME may not offer to treat you or solicit to become your treating physician. However, you have the right to request the QME to become your treating physician. If you are covered by a Medical Provider Network ("MPN"), you may choose to treat with the QME if the QME is an MPN physician for your employer. If the QME is not in the MPN, you will need authorization from your claims administrator to treat with the QME. In addition, you may need to have another QME examination by a different QME. You may wish to consult with an Information and Assistance Officer before you make this decision.

- 10) If the QME does not send you a copy of the report within 30 calendar days after your examination, or within the ~~time limit if an~~ extension of time **approved by the Medical Director of DWC, is given,** contact the Medical Unit at 1-800-794-6900.

- 11) If your claim eventually goes to court, the Workers' Compensation Administrative Law Judge will consider the evaluation prepared by the QME you select to decide your claim.

- 12) For more information call the nearest Information and Assistance Office to request pamphlets, fact sheets and guides for injured workers, including a glossary for injured workers, “Guide Book for Injured Workers”, “The Basics About Medical Care for Injured Workers” ~~or~~ and “Getting Appropriate Medical Care for Your Injury”. These publications are free. To get copies, call the nearest Information and Assistance Officer at the number listed in your local phone book, or look up the number by computer on the internet at <http://www.dir.ca.gov/dwc/dir2.htm>.

To download a free copy of the publications from the internet, go to:

<http://www.dir.ca.gov/dwc/iwguides.html>, or http://www.dir.ca.gov/DWC/dwc_home_page.htm or <http://www.dir.ca.gov/chswc/EduMaterials.html>.